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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

CITY OF PHOENIX, a municipal
corporation,

Plaintiff,

vs.

FIRST STATE INSURANCE COMPANY,
a foreign insurer; TWIN CITY FIRE
INSURANCE COMPANY, a foreign
insurer; NEW ENGLAND REINSURANCE
CORPORATION, a foreign insurer;
NUTMEG INSURANCE COMPANY, a
foreign insurer.

Defendants.

Case No.

NOTICE OF REMOVAL

(Maricopa County Superior Court Case
No. CV2015-003256)

The Defendants, First State Insurance Company, Twin City Fire Insurance
Company, New England Reinsurance Corporation, and Nutmeg Insurance Company

(collectively referred to as "The Hartford"), give Notice of Removal of the above-captioned action from Arizona Superior Court for Maricopa County to the United States District Court for the District of Arizona, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

I. This Court Has Diversity Jurisdiction.

The United States District Court for the District of Arizona has original jurisdiction over this action under 28 U.S.C. § 1332(a)(1). Original jurisdiction is founded on diversity of citizenship.

The citizenship of the Plaintiff, the City of Phoenix, is diverse from the citizenship of the Defendants, The Hartford.

The Plaintiff, the City of Phoenix, as an Arizona municipal corporation, is a citizen of Arizona.

The Defendants, The Hartford, are citizens of Connecticut and Indiana.

Defendant First State Insurance Company is a Connecticut corporation with its principal place of business in Hartford, Connecticut.

Defendant Twin City Fire Insurance Company is an Indiana corporation with its principal place of business in Hartford, Connecticut.

Defendant New England Reinsurance Corporation is a Connecticut corporation with its principal place of business in Hartford, Connecticut.

Defendant Nutmeg Insurance Company is a Connecticut corporation with its principal place of business in Hartford, Connecticut.

Since the Defendants are diverse from the Plaintiff, there is complete diversity between the parties. The Court has diversity jurisdiction.

II. The Amount in Controversy Exceeds \$75,000.

The amount in controversy exceeds the jurisdictional minimum of \$75,000 (exclusive of interest and costs). The Plaintiff seeks to collect from The Hartford over \$1 million in attorneys' fees and costs, expended to date, in the defense against an asbestos

1 lawsuit. The Plaintiff also seeks to recover from the Hartford the future attorneys' fees
2 and costs that will be incurred defending against the asbestos lawsuit. And the Plaintiff
3 asks for a declaratory judgment that The Hartford is obligated to indemnify the Plaintiff
4 for any settlement or judgment entered in the asbestos lawsuit. Lastly, the Plaintiff asks
5 for compensatory damages and punitive damages against The Hartford.

6 The Plaintiff's Complaint against The Hartford is attached as Exhibit 1.

7 All other pleadings filed to date in the above-captioned action in Arizona Superior
8 Court are attached as Exhibit 2.

9 The amount in controversy is well in excess of the jurisdictional minimum of
10 \$75,000 (exclusive of interests and costs); the Court has diversity jurisdiction over this
11 action.

12 **III. The Procedural Requirements Are Satisfied.**

13 The Hartford timely filed this Notice of Removal within the thirty-day period
14 required by 28 U.S.C. § 1446(b)(3).

15 The Plaintiff filed its Complaint on March 4, 2015. *See* Exhibit 1, Complaint. This
16 Notice of Removal was filed with the Court on March 20, 2015. This was well within the
17 30-day period prescribed by 28 U.S.C. § 1446(b)(3). The time to Answer the Complaint
18 has not expired.

19 In accordance with 28 U.S.C. § 1446(d) and Local Rule of Civil Procedure 3.6, a
20 copy of this Notice of Removal was filed with the Arizona Superior Court.

21 To satisfy Local Rule of Civil Procedure 3.6, The Hartford states that true and
22 correct copies of all the Superior Court pleadings have been attached as Exhibits to this
23 Notice of Removal. The Hartford has served a copy of this Notice of Removal on the
24 Plaintiff.
25
26

1 To conclude, there is complete diversity between the parties; the amount in
2 controversy exceeds \$75,000; and all the procedural requirements have been satisfied.
3 The Court has diversity jurisdiction over this action.

4 DATED March 20, 2015.

6 MEAGHER & GEER, P.L.L.P.

8 By: /s/ Rob A. Justman

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15 *Counsel for the Defendants*

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2015, I electronically transmitted the attached documents to the court clerk's office using the CM/ECF system for filing and thereby transmitted a notice of electronic filing to the following CM/ECF registrants:

Clerk of Court
United States District Court
District of Arizona – Phoenix
401 W. Washington Street, Suite 130
Phoenix, Arizona 85007

I hereby certify that on March 20, 2015, I served the attached documents by mailed on the following:

E.J. Kotalik, Jr., Esq.
Thomas R. Nadzieja, Esq.
Peshkin & Kotalik, P.C.
3030 North Central Avenue, Suite 1106
Phoenix, AZ 85012
Attorneys for Plaintiff

By: /s/ Vanessa Henderson

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